

### **REMARKS/ARGUMENTS**

The office action of June 21, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1 and 3-12 remain in this application. Claim 2 has been canceled without prejudice or disclaimer. New claims 13-14 have been added.

Applicants have amended the specification to conform to conventional formatting.

Claims 7 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended to claim 7 to address the issues raised in the action. Also, claim 10 has been amended to become an independent claim, bodily incorporating the method of amended claim 1.

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. patent no. 5,682,171 to Yokoi. Applicants respectfully traverse this rejection.

The action alleges that Yokoi discloses all the elements of claim 1. As amended, claim 1 includes subject matter similar to now cancelled claim 2, which the action also contends is shown by Yokoi. In particular, amended claim 1 calls for a method of producing left and right eye images for a stereoscopic display from a layered source including at least one layer, and at least one object on the at least one layer, including the steps of 1) defining a depth characteristic for each object or layer of the layered source, 2) respectively displacing each object or layer by a determined amount in a lateral direction as a function of the depth characteristic of each layer of the layered source, 3) creating additional layers for at least one layer having a plurality of objects by segmenting the objects.

To show features 1) and 2) of claim 1, the action relies on col. 2, lines 20-63, col. 3, lines 29-41 and col. 7, line 64 to col. 8, line 10 of Yokoi. Applicants submit that contrary to the action's assertion, Yokoi lacks a teaching or suggestion of a layered source as set forth in claim 1. Apparently, the action points to col. 7, line 64 to col. 8, line 10 of Yokoi. However, the first and second components of the displayed screen, referred to as background and objects, respectively in Yokoi, do not teach or suggest an object or layer from a layered source. Instead, these components are nothing more than digitally created graphics employed for a computer game. Differently, in an illustrative aspect of the invention, a layer from a layered source can be

formed using traditional cartoon techniques described in the Background portion of the specification for cartoons or other animations.

To show the feature of at least one layer having a plurality of objects being segmented into additional layers as recited in now cancelled claim 2, the action relies on col. 3, lines 5-20 of Yokoi. Referring to element 3) of claim 1, Yokoi neither teaches nor suggests creating additional layers for a layer having a plurality of objects by segmenting the objects anywhere including col. 3, lines 5-20. Cutting out portions of an image as described in Yokoi does not teach or suggest creating additional layers by segmenting objects. Rather, Yokoi starting with an image greater than the size of the display merely takes out a portion of the image based on the parallax required. Then, as Yokoi describes at col. 3, lines 16-20, "a stereoscopic image having parallax can be obtained by slightly varying the areas from which the left and right display image data are cut out in the lateral direction in the source image data." Clearly, Yokoi is wholly devoid of any suggestion of creating additional layers for a layer having a plurality of objects by segmenting the objects as recited in claim 1. Moreover, as discussed above, Yokoi does not even introduce the concept of layers.

In view of the foregoing, claim 1 is patentably distinguishable from Yokoi. Claims 3-12, which depend from claim 1 directly or indirectly, are patentably distinct from Yokoi for the same reasons as claim 1 and further in view of the additional advantageous features recited therein.

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(a) as being anticipated by WO 97/2400 to Richard. Applicants respectfully traverse this rejection.

Richard lacks a teaching or suggestion of a layered source as set forth in claim 1. Moreover, as ostensibly acknowledged by the action, in that claim 2 was not rejected over Richard, Richard neither teaches nor suggests creating additional layers for at least one layer having a plurality of objects by segmenting the objects.

New claims 13-14 are fully supported and believed allowable over the art of record.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Appln. No.: 09/921,649  
Amendment dated September 17, 2004  
Reply to Office Action of June 21, 2004

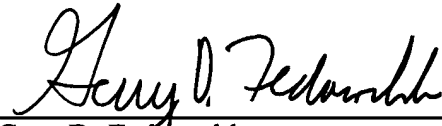
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:

  
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## ABSTRACT

A method of producing left and right eye images for a stereoscopic display from a layered source including at least one layer, and at least one object on the at least one layer, includes the steps of defining a depth characteristic for each object or layer and respectively displacing each object or layer by a determined amount in a lateral direction as a function of the depth characteristic of each layer.